

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: October 3, 2003
	)	
Betty Comer Richardson	)	DOCKET NO.: 03F-080
Chair	)	
Board of Funeral Directors	)	
3119 W Street, SE	)	
Washington, DC 20020	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Betty Comer Richardson, Chair, Board of Funeral Directors (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 7, 2003, August 20, 2003 and September 3, 2003, OCF ordered Betty Comer Richardson (hereinafter respondent), to appear at scheduled hearings on August 19, 2003, August 28, 2003 and September 15, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 11, 2003, respondent contacted OCF by telephone stating that her name was changed to Betty Comer Richardson due to marriage in April 2002. Respondent stated she formerly lived on Morse Street, NE, but she moved from that address in October 2001 to her current address of 3119 W Street, SE, Washington, DC 20020. Respondent further stated that she recently resigned from the Board due to a recurring illness. Respondent stated she would forward an affidavit as well as a Financial

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Disclosure Statement within a few days. On September 12, 2003, OCF received an affidavit, via facsimile, from respondent, which mirrors the foregoing telephonic communication. However, OCF has no record of receipt of a Financial Disclosure Statement for the current reporting period.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement with OCF in 2001.
2. Respondent recently resigned from the Board due to a recurring illness.
3. OCF mailed a Notice of Non-Compliance to 1424 Morse Street, NE, Washington, DC 20002, a former address, on or around May 28, 2003.
4. Respondent's address of record was provided to OCF by the Office of Boards and Commissions.
5. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
6. Respondent has failed to file the required Financial Disclosure Statement.
7. Respondent's explanation for the filing delinquency is credible in that prior to the Notice of Hearing, Statement of Violations and Order of Appearance issued on September 3, 2003, OCF sent notices to respondent's former address.
8. Respondent is not currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's failure to file the required Financial Disclosure Statement, notwithstanding the filing of an affidavit to explain the delinquency, does not constitute a basis for good cause.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 in this matter, with the provision that such fine be suspended upon OCF's receipt of a fully executed Financial Disclosure Statement.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** a fine of \$2,000.00 be hereby imposed in this matter, with the provision that such fine be suspended upon OCF's receipt of a fully executed Financial Disclosure Statement.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.